

REMARKS

Claims 1-4 are pending.

Claims 1-4 stand rejected for obviousness v. Ujita in view of Quingguo and Hilton.

Claim 1 is currently amended to clarify differences between this application and the cited references so as to put the claims in condition for allowance.

In response to the Office Action:

Examiner's comments have been given careful consideration. Applicant believes that the combination of Ujita in view of Quingguo and Hilton does not meet the requirements for an obviousness rejection for the following reasons:

Regarding the rejection of claims 1-4 for obviousness v. Ujita in view of Quingguo and Hilton:

Obviousness rejection requires that the cited references, in combination, contain *all* of the elements and limitations of the instant invention. In addition there must be a "clear and particular" suggestion to combine the references in a manner that would produce the instant invention.

Applicant respectfully submits that the combination of Ujita in view of Quingguo and Hilton does *not* have all the elements and limitations of the instant invention, and therefore does not meet the threshold requirements for an obviousness rejection of the instant invention. For example:

An equilibration tube is a central element of the instant invention with the following limitations:

- a) an equilibration tube *within* the ink receptacle,
extending *from the top* of the ink receptacle *to the bottom* of the ink receptacle,

having a bottom opening to the bottom of the ink receptacle, and
a top opening permitting *two-way* flow to the atmosphere.

Applicant respectfully submits that the combination of Ujita in view of Quingguo and Hilton has *none* of these limitations. Ujita does not allow of an equilibration tube with two-way flow to the atmosphere, as Ujita requires negative internal pressure (see col. 20, lines 31-39, for example). Quingguo has an equilibration tube, but it does not extend to the bottom of the ink receptacle, only extending about 1/3 of the way from the top toward the bottom (see col. 13, lines 16-18, for example). The Examiner has cited the Hilton ink cartridge as having an equilibration tube connecting to the atmosphere (an air hole). Hilton *does not*; having at its core a *non-venting* flexible ink pouch as the ink receptacle (see col. 2, lines 8-13; and col. 2, lines 18-20, for example).

Applicant submits that there is no combination of Ujita in view of Quingguo and Hilton which produces an equilibration tube with the limitations of the instant invention.

Further, Ujita in view of Quingguo and Hilton mutually teach away from each other with regard to the nature of the ink receptacle. Ujita requires a negative pressure ink receptacle; Quingguo teaches an atmospheric pressure ink receptacle; and Hilton teaches a non-venting pouch ink receptacle. Applicant submits that such teaching away renders the instant invention to be non-obvious with respect to the cited combination.

Applicant respectfully submits that the combination of Ujita in view of Quingguo and Hilton does *not* have all the elements and limitations of the instant invention, does not teach or suggest a combination that would produce the instant invention, and therefore does not meet the threshold requirements for an obviousness rejection of the instant invention.

Finally, a dependent claim by definition includes all the elements and limitations of the base claim, a dependent claim cannot be found obvious if the cited references do not contain *all* of the elements and limitations of the base claim.

Reconsideration of the obviousness rejection of claims 1-4 is respectfully requested.

Applicant believes that this amendment answers all instances in which the Examiner rejected or objected, and that the amendment places all remaining claims in condition for allowance.

CONCLUSION

In view of the foregoing, Applicant believes all claims now pending in this application are in condition for issue. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at (408) 358-0489.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'R. Willgohe', with a long horizontal flourish extending to the right.

Ralph H. Willgohe

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